

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
JUL 07 2005
EUGENE R. WEDOFF
BANKRUPTCY JUDGE

In re:

Emerald Casino, Inc.

Debtor.

Case No. 02 B 22977

Chapter 11

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER AWARDING TO
KIRKLAND & ELLIS LLP, ATTORNEYS FOR THE DEBTOR, FOR ALLOWANCE AND PAYMENT OF
INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES**

TOTAL FEES REQUESTED:	\$137,198.00	TOTAL COSTS REQUESTED:	\$5,585.39
TOTAL FEES REDUCED:	\$2,010.00	TOTAL COSTS REDUCED:	\$0.00
TOTAL FEES ALLOWED:	\$135,188.00	TOTAL COSTS ALLOWED:	\$5,585.39

TOTAL FEES AND COSTS ALLOWED: \$140,773.39

THE COURT HAS UNDERLINED THE ATTACHED TIME AND EXPENSE ENTRIES THAT HAVE BEEN DISALLOWED IN WHOLE OR IN PART. THE NUMERICAL NOTATION THAT APPEARS ON THE LEFT SIDE OF EACH HIGHLIGHTED ENTRY DISCLOSES THE BASIS FOR EACH DISALLOWANCE. THE NUMERICAL NOTATIONS REFER TO THE ENUMERATED PARAGRAPHS BELOW.

(1) Unreasonable Time

The Court denies the allowance in part of compensation for the following task since the professional or paraprofessional expended an unreasonable amount of time on this task in light of the nature of the task, the experience and knowledge of the professional performing the task, and the amount of time previously expended by the professional or another on the task. *In re Pettibone*, 74 B.R. 293, 306 (Bankr.N.D.Ill. 1987) ("The Court will determine what is the reasonable amount of time an attorney should have to spend on a given project...An attorney should not be rewarded for inefficiency. Similarly, attorneys will not be fully compensated for spending an unreasonable number of hours on activities of little benefit to the estate." *In re Wildman*, 72 B.R. 700, 713 (Bankr.N.D.Ill. 1987) (same).

(2) Insufficient Description

The Court denies the allowance of compensation for the following task since the description of the time entry fails to identify in a reasonable manner the service rendered. *In re Pettibone*, 74 B.R. 293, 301 (Bankr.N.D.Ill. 1987) ("A proper fee application must list each activity, its date, the attorney who performed the work, a description of the nature and substance of the work performed, and the time spent on the work. [Citation omitted] Records which give no explanation of the activities performed are not compensable."); *In re Wildman*, 72 B.R. 700, 708-9 (Bankr.N.D.Ill. 1987) (same).

Dated: July 7, 2005


Eugene R. Wedoff
United States Bankruptcy Court

Emerald Casino, Inc.
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Legal Services for the Period Ending February 28, 2005

Description of Legal Services

<u>Date</u>	<u>Name</u>	<u>Hours</u>	<u>Description</u>
2/02/05	Joseph U Schorer	.20	Telephone conference with J. McMahon re Isle of Capri bid status.
2/07/05	Joseph U Schorer	.20	Telephone conference with J. McMahon re Isle of Capri bid (.1); telephone conference with P. Theiss re same (.1).
2/07/05	Sven T Nylén	.20	Review voicemails from J. Schorer re IGB status.
2/07/05	Robert R Gasaway	.20	Telephone conference with Illinois Solicitor General and J. Schwartz re Crusius filings.
① 2/07/05	Ashley C Parrish	.50	Telephone conference with Illinois Solicitor General re briefing issues.
2/08/05	Joseph U Schorer	.20	Telephone conference with J. McMahon re AG brief in Crusius (.1); telephone conference with H. Kaplan re same (.1).
2/08/05	Amanda C Basta	4.00	Review AG brief re Crusius (2.0); review draft Emerald brief (2.0).
2/08/05	Robert R Gasaway	1.50	Draft letter to Illinois Supreme Court re timing of filings (.5); telephone conference with co-parties re same (.3); review briefing to prepare reply brief (.7).
2/08/05	Ashley C Parrish	2.00	Draft letter to Illinois Supreme Court clerk re filing deadlines (.7); conference with J. Schwartz and T. Kaye re same (.3); review and analyze state defendants' brief (1.0).
2/09/05	Joseph U Schorer	.50	Telephone conference with A. Parrish re AG brief in Crusius case (.1); review and comment on same (.4).
2/09/05	Sven T Nylén	1.00	Review Attorney General's brief re Crusius litigation.
2/09/05	Sookyong Shin	4.70	Attend team meeting on strategies for responding to Attorney General's brief (1.0); review Attorney General's brief (1.0); review

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<u>Date</u>	<u>Name</u>	<u>Hours</u>	<u>Description</u>
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and analyze cases cited in brief (.8);
research special legislation cases for
response to Attorney General's brief (1.4);
review local rules for filing requirements
(.6).

②

2/09/05 Amanda C Basta

6.30

Conference with R. Gasaway, A. Parrish, and
S. Shin re briefing (1.0); conference with A.
Parrish and S. Shin re research issues (.3);
analyze Illinois budget crisis (2.0); analyze
case law re subversion of statute's primary
purpose (3.0).

2/09/05 Robert R Gasaway

2.50

Review Illinois Attorney General submission
(1.0); outline response brief to Illinois
Supreme Court (.5); discuss same with A.
Parrish, S. Shin, and A. Basta (1.0).

2/09/05 Ashley C Parrish

5.50

Draft motion for briefing extension (1.5);
conference with R. Gasaway and J. Schorer re
same (.2); telephone conference with J.
Schwartz and G. Nash re same (.3); revise and
edit draft brief (3.5).

①

2/09/05 Robert D Snow, Jr.

2.30

Review brief of state defendants-appellees in
Crusius matter (1.0); review and revise joint
motion for extension of time (.5); draft and
revise order on motion for extension of time
(.8).

2/10/05 Joseph U Schorer

1.30

Telephone conference with A. Parrish re AG's
brief in Crusius matter (.1); review and
comment on same (1.2).

2/10/05 Sven T Nylén

.20

Review motion re Attorney General's brief in
Crusius litigation.

2/10/05 Sookyoung Shin

5.90

Revise Emerald's brief in response to
arguments in Attorney General's brief (3.3);
research special legislation (1.0); review
legislative history of Riverboat Gambling Act
(1.6).

2/10/05 Amanda C Basta

7.50

Analyze case law re subversion of a statute's
primary purpose (3.0); analyze case law re
legislative use of market mechanisms (3.0);
draft e-mail to A. Parrish re research issues
(1.5).

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<u>Date</u>	<u>Name</u>	<u>Hours</u>	<u>Description</u>
2/10/05	Robert R Gasaway	.80	Draft response brief to Illinois Supreme Court (.6); review Attorney General motion to re-align parties (.2).
2/10/05	Ashley C Parrish	.50	Telephone conference with J. Schwartz and T. Kaye re briefing issues (.3); telephone conference with lawyers for Rosemont re request for briefing extension (.2).
2/11/05	Sookyong Shin	.40	Revise Emerald's brief in response to arguments in Attorney General's brief.
2/11/05	Amanda C Basta	2.30	Analyze case law re equal protection standards (1.5); draft e-mail to A. Parrish and J. Eisert re same (.8).
2/11/05	Joseph A Eisert	4.90	Review strategy re Crusius with R. Gasaway and A. Parrish (.3); review pleadings re same (1.3); research for brief re legislative and interpretative issues (3.1); review same with A. Basta (.2).
2/11/05	Ashley C Parrish	2.70	Revise and edit Crusius brief (2.0); telephone conferences with J. Schwartz re edits to same (.5); e-mails to and from T. Kaye re same (.2).
2/12/05	Joseph U Schorer	.10	Telephone conference with J. Sprayregen via voicemail re remaining bids.
2/12/05	Joseph A Eisert	3.50	Research re legislative and interpretative issues in connection with Crusius matter (2.9); review pleadings re same (.6).
2/12/05	Robert R Gasaway	5.50	Draft response brief to Illinois Supreme Court.
② 2/12/05	Ashley C Parrish	7.20	Revise and edit response brief in Crusius litigation (6.0); research re same (.5); e-mails to and from J. Schwartz and T. Kaye re edits to same (5); conference with R. Gasaway re same (.2).
2/13/05	Robert R Gasaway	4.50	Draft brief re merits of Crusius case.
② 2/13/05	Ashley C Parrish	10.00	Revise and edit Emerald's response brief in Crusius litigation (7.0); legal research re

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<u>Date</u>	<u>Name</u>	<u>Hours</u>	<u>Description</u>
			same (1.0); revise and edit opposition to Attorney General's motion to realign (2.0).
2/14/05	Joseph U Schorer	.50	Telephone conference with A. Parrish re Crusius briefs (.2); review and comment on response re motion to realign (.3).
2/14/05	Matthew S Halloran	3.50	Cite-check Crusius brief.
2/14/05	Khalid M Osman	3.50	Cite check Crusius brief.
2/14/05	Sven T Nylén	.30	Exchange voicemails with J. Schorer re upcoming status hearing (.1); review Crusius filing objecting to AG's realignment (.2).
2/14/05	Sookyoung Shin	.30	Legal research re severability provision in Riverboat Gambling Act.
2/14/05	Amanda C Basta	4.00	Legal research re Illinois Attorney General's duty to defend duly enacted statutes (1.0); edit Crusius brief (3.0).
2/14/05	Robert R Gasaway	3.00	Draft brief re merits to Illinois Supreme Court in Crusius case (2.0); review and edit response to motion to realign (1.0).
2/14/05	Ashley C Parrish	6.20	Revise and edit opposition to Attorney General's motion to realign (1.2); telephone conference with J. Schwartz and T. Kaye re same (.2); revise and edit response brief (4.5); telephone conference with J. McMahon re edits to same (.3).
2/14/05	Robert D Snow, Jr.	1.00	Review Emerald and Committee's brief in Crusius and revise same (.8); draft e-mail to A. Parrish re Crusius brief (.2).
① 2/14/05	Kenneth J Sturek	4.00	Cite-check Crusius brief.
2/15/05	Joseph U Schorer	2.00	Review and comment on Crusius appellate brief.
2/15/05	Matthew S Halloran	1.50	Cite-check Crusius brief.
2/15/05	Sven T Nylén	.10	Telephone conference with J. McMahon re secretary of state and franchise tax issues.
2/15/05	Robert R Gasaway	1.00	Review brief re merits to Illinois Supreme